



03500.014384

2818
PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
MASAFUMI KYOGAKU ET AL.) : Examiner: R. Berry
Application No.: 09/506,289) : Group Art Unit: 2818
Filed: February 18, 2000) :
For: ELECTRON-EMITTING DEVICE,)
ELECTRON SOURCE AND :
IMAGE-FORMING APPARATUS,)
AND MANUFACTURING :
METHODS THEREOF) November 11, 2003

MAIL STOP ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CONSIDERATION OF PREVIOUSLY CITED ART
AND
CONDITIONAL PETITION

Sir:

Applicants have received a Notice of Allowance (dated October 6, 2003) from the U.S. Patent and Trademark Office (USPTO) in this application. The Examiner is sincerely thanked for allowing this application. Earlier, Applicants received partially initialed copies of Forms PTO-1449 (copies enclosed) confirming that the Examiner considered and made of record all of the art cited in the Information Disclosure Statement filed in the USPTO on April 3, 2002, except for U.S. Patent 6,221,426 (Yamanobe) and Patent Abstracts of Japan, Vol. 14, No. 108 (1990). Applicants also received a partially initialed copy of a Form PTO-1449 (copy enclosed)

confirming that the Examiner considered and made of record all of the art cited in the Information Disclosure Statement filed in the USPTO on March 7, 2001, except for document EP 0 701 265 B1. This paper is being submitted to request that the Examiner consider U.S. Patent 6,221,426, Patent Abstracts of Japan, Vol. 14, No. 108 (1990), and document EP 0 701 265 B1, and make them of record in the present application. The Examiner is respectfully requested to initial and return that attached Forms PTO-1449 to confirm for the record that the mentioned publications have been considered and made of record in this application.

Applicants also timely filed an Information Disclosure Statement in the USPTO on May 29, 2003 in the present application, as evidenced by the attached copy of the return receipt postcard stamped by the USPTO. One copy each of that Information Disclosure Statement (dated May 28, 2003) and the accompanying Form PTO 1449 are enclosed. However, Applicants have not yet received confirmation that the art cited in this Information Disclosure Statement has been considered and made of record in this application. Accordingly, Applicants also respectfully request that the Examiner consider that Information Disclosure Statement and issue a fully initialed copy of the associated Form PTO-1449 to make the art cited therein of record.

Since copies of the mentioned art already were submitted to the USPTO with the mentioned Information Disclosure Statements, no further copies of the art are being submitted herewith. However, if the Examiner needs additional copies, she is respectfully requested to contact Applicants' undersigned representative.

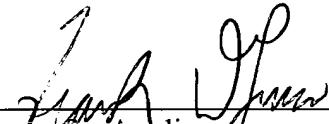
CONDITIONAL PETITION

If the Examiner does not agree to comply with the foregoing Request, this paper should be treated as a petition to invoke the supervisory authority of the Commissioner under 37 C.F.R. § 1.181, and should be forwarded with the filewrapper to the appropriate USPTO official for decision.

It is believed that no fee is required in connection with the above Request and petition. However, if a fee is deemed required by the USPTO, please charge any such fee to Deposit Account 06-1205.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



Attorney for Applicants

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